

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAM**

**Haakon School District
Continuous Improvement Monitoring Process Report 2003-004**

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Dates of On Site Visit: November 17, 2003

Date of Report: November 26, 2003

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Office of Special Education. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- Personnel training

- District annual needs assessment
- Teacher Assistance Team (TAT): referral vs. non referral information
- Haakon School District Comprehensive Plan
- Pre-School/Birth to 3 Screenings
- TAT Data
- Birth to 3 Referrals/Transitions
- Teacher/Parent Referrals
- Surveys
- Student Progress Data
- Haakon School District Staff Handbook
- Needs Assessment Information (such as personnel, facilities, etc.)
- B – District Instructional Staff Information
- C – Suspension and Expulsion Information
- D – Statewide Assessment Information
- E – Enrollment Information
- H – Exiting Information

Promising practice

The steering committee determined that the Haakon School District has a teacher assistant team which meets promptly upon receiving a referral. Last year eight students were referred to the team, and only one went on for further evaluation for special education.

Meets requirements

The steering committee determined the district used state and district survey data to determine personnel development for their staff. A component of the evaluation process addressed growth and improvement. If individual needs are identified, training is provided.

The Haakon district has documentation of child find activities, referral and screening information.

Needs improvement

The steering committee determined there is no documentation of contact with home schooled children, other than verbal confirmation. Another area needing improvement includes establishing interagency agreements with outside agencies.

Referral documentation was not found in five out of sixteen files for students who were referred for an initial evaluation.

Validation Results

Promising practice

The review team agrees with the areas identified by the steering committee as promising practice.

Through classroom observations and interviews, the review team found the Haakon School District has a computer lab in their Family and Consumer Science Department which has seven different modules for independent living. There are notebook computers for students and teachers to check out for use. This allows students with disabilities to have extra time for completion of assignments.

Through observations and interviews the review team found the district has the Kurzweil Program being used with eight special needs students, and is available in multiple locations for student use.

Meets requirements

The review team agrees with the areas identified by the steering committee as meeting the requirements of general supervision.

Needs improvement

The review team agrees with the areas identified by the steering committee as needing improvement but adds the following area:

ARSD 24:05:16:16.01. Paraprofessionals and assistants

Paraprofessionals and assistants who are appropriately trained and supervised in accordance with this section may be used to assist in the provision of special education and related services to children with disabilities under Part B of the Individuals with Disabilities Act. At a minimum, the following standards must be met:

- (1) Paraprofessionals must have a high school diploma or GED;
- (2) Paraprofessionals must work within defined roles and responsibilities as identified by the school district;
- (3) Paraprofessionals must work under the supervision of, and be evaluated by, certified staff

Through interviews with administrators, teachers, and paraprofessionals, the review team found all the paraprofessionals have a high school diploma, and work within the defined roles and responsibilities as identified by the school district. The district has not consistently trained paraprofessionals who are working with special needs students. Paraprofessionals are not specifically trained to work with students with disabilities. They attend inservice training with regular education teachers, on educational issues, but not specific to related disabilities.

Out of Compliance

ARSD 24:05:17:03. Annual report of children served.

The review team found one student who was reported on the child count for December 2002, did not have an active IEP at that time.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- C Suspension and Expulsion Information
- I Age and Placement
- F Placement Alternatives
- K Early Intervention (Part C) Exit Information
- Student Progress Data
- Budget Information
- District Comprehensive Manual
- Surveys

- Student File Reviews

Meets requirements

The steering committee determined the district's comprehensive plan has policies that support the provision of free appropriate public education to students who reside in the district, group home, foster home, or institutions.

The district has had no suspensions or expulsions. The district has students placed outside the school district. Extended school year services are determined for each student on an individual basis.

Needs improvement

The steering committee determined through surveys there was a need to provide teachers with additional strategies to include students with disabilities in the learning of curricula in the classroom.

Validation Results

Promising practices

The review team through classroom observation and interviews found the Nova-Net, an internet-based instruction for credit and recoupment and skill development, which targets at risk students to be a promising practice. Twelve students are currently taking the Nova-Net, and one of those students is identified as a student with a disability.

Meets requirements

The review team agrees with all areas identified by the steering committee as meeting the requirements in the area of free appropriate public education.

Needs improvement

The review team agrees with all areas identified by the steering committee as needing improvement.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

- I – Placement by Ag
- Teacher File Reviews
- Prior Notice
- Evaluation Report
- Surveys
- List of tests currently used in the district (date of publication)
- Comprehensive Plan
- Initial Referral Log

Meets requirements

The steering committee determined the district evaluation team is comprised of two or more of the following; special educator, speech clinician, preschool teacher, general educator and administrator. Areas to be evaluated are determined by a team of people including the parent, referring person, special education teacher, school psychologist and administrator.

The prior notice document used by the district contains all required content. Suggested state forms are utilized by the district.

Needs improvement

The steering committee determined that the multiple disciplinary reports do not contain all required content.

Out of compliance

The steering committee determined that functional evaluations are not consistently a part of the evaluation process. Seven out of fifteen files reviewed did not show functional assessments completed. There were no specific functional skills summarized into written reports. The staff has not had any training on functional assessments.

Transition evaluations were conducted for one of ten students prior to their turning age sixteen.

All evaluations listed on the prior notice/consent were administered in eleven out of sixteen files.

Validation Results**Meets requirements**

The review could not validate the district ensure the evaluation team meets the requirements. See **ARSD 24:05:04:02. Determination of needed evaluation data** under Out of Compliance

Needs improvement

The review team could not validate the multidisciplinary team written report as an area needing improvement.

Out of compliance**Issues requiring immediate attention**

The following requires immediate attention:

ARSD 24:05:25:04-Evaluation Procedures

School districts shall ensure, as a minimum, that evaluation procedures include the following:

- (1) Tests and other evaluation materials are provided and administered in the child's native language or by another mode of communication that the child understands, unless it is clearly not feasible to do so. Any standardized tests that are given to a child:
 - (a) Have been validated for the specific purpose for which they are used; and
 - (b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer.
- (2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- (3) Tests are selected and administered so as best to ensure that a test administered to a child with impaired sensory, manual, or speaking skills accurately reflects the child's aptitude or

- achievement level or whatever other factors the test purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the test purports to measure;
- (4) No single procedure is used as the sole criterion for determining eligibility or an appropriate educational program for a child;
 - (5) A variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents, that may assist in determining:
 - (a) Whether the child is a child with a disability; and
 - (b) The content of the child's IEP, including information related to enabling the child:
 - (i) To be involved in and progress in the general curriculum; or
 - (ii) For a preschool child, to participate in appropriate activities.
 - (6) Technically sound instruments, assessment tools, and strategies are used that:
 - (a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
 - (b) Provide relevant information that directly assists persons in determining the educational needs of the child;
 - (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
 - (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified;
 - (9) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills; and
 - (10) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

ARSD 24:05:24.01:04. Diagnostic criteria for autism. An autistic disorder is present in a student if at least six of the following twelve characteristics are expressed by a student with at least two of the characteristics from subdivision (1), one characteristic from subdivision (2), and one characteristic from subdivision (3):

- (1) Qualitative impairment in social interaction, as manifested by at least two of the following:
 - (a) Marked impairment in the use of multiple nonverbal behaviors, such as eye-to-eye gaze, facial expression, body postures, and gestures, to regulate social interaction;
 - (b) Failure to develop peer relationships appropriate to developmental level;
 - (c) A lack of spontaneous seeking to share enjoyment, interests, or achievements with other people, such as a lack of showing, bringing, or pointing out objects of interest;
 - (d) Lack of social or emotional reciprocity;
- (2) Qualitative impairment in communication as manifested by at least one of the following:
 - (a) Delay in or total lack of, the development of spoken language not accommodated by an attempt to compensate through alternative modes of communication, such as gesture or mime;
 - (b) In an individual with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others;
 - (c) Stereotyped and repetitive use of language or idiosyncratic language;
 - (d) Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level;
- (3) Restricted repetitive and stereotyped patterns of behavior, interests, and activities as manifested by at least one of the following:

- (a) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;
- (b) Apparently inflexible adherence to specific, nonfunctional routines or rituals;
- (c) Stereotyped and repetitive motor mannerisms, such as hand or finger flapping or twisting, or complex whole-body movements;
- (d) Persistent preoccupation with parts of objects.

A student with autism also exhibits delays or abnormal functioning in at least one of the following areas, with onset generally prior to age three: social interaction, language used as a social communication, or symbolic or imaginative play. A student who manifests the characteristics of autism after age three could be diagnosed as having autism if the criteria in this section are satisfied.

24:05:25:06. Reevaluations. Reevaluations shall be conducted at least every three years or if conditions warrant or if the child's parent or teacher requests an evaluation. Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents. Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability;
- (2) Determining whether the child continues to need special education and related services; and
- (3) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

If no additional data are needed to determine continuing eligibility, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of services under this article, to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE.

The district has identified two students as being qualified for special education services under the category of autism. During the last reevaluation process, the district did not follow the process for reviewing existing evaluation information for continuing eligibility. Administrative rule requires that if an evaluation team determines a portion of the reevaluation is not needed to determine continuing eligibility, the parent must be provided notice of the decision. There was no prior notice given to the parents to document the evaluation team decision to utilize the previous evaluations for determination of continuing eligibility for special education.

Neither of these students have appropriate documentation to support their identified disability of autism. The last comprehensive evaluation for either student occurred on 12-11-98. Both students should have had a comprehensive reevaluation completed by 12-11-01. The 2002 IEP cover page states the parents accepted previous testing. On 9-10-03, an achievement test was given with parent consent. The parent requested an adaptive behavior scale be completed on 9-17-03. There was no prior written notice documentation in the student file in response to the parents request for the evaluation. It is unclear if the district has agreed or not to the evaluation request.

The monitoring team finds that the documentation supporting the student's disability condition is insufficient. The evaluation team needs to meet to determine what evaluations and/or information is needed to make an appropriate determination of the student's continued eligibility under the category of autism.

ARSD 24:05:25:04, Evaluation procedures

School districts are required to ensure, at a minimum, a child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. Those evaluation procedures must include a variety of assessment tools and strategies to gather relevant functional and developmental information about the child.

There was no evidence of functional assessment within the evaluation process in a review of thirteen files. Seven out of eight files of transition aged students did not have an evaluation completed in the area of transition. Two students, under the category of mental retardation, did not have an adaptive behavior evaluation completed. Two students, under the category of other health impaired, did not have a behavior or social/adaptive evaluation completed.

ARSD 24:05:04:02. Determination of needed evaluation data

A team of individuals, including input from the student's parents, determine what evaluation data is needed to support eligibility and the child's special education needs.

Through interview and file reviews, the review team found the staff does not consistently implement a procedure for documenting parental input. Parental input into the evaluation process was not found in thirteen out of fifteen files reviewed.

ARSD 24:05:05:06 Reevaluations

Reevaluation must be conducted at least every three years or if conditions warrant or the child's parent or teacher requests an evaluation.

File reviews by staff and the review team determined that timelines for reevaluations were not consistently followed for three-year reevaluations. Two files reviewed did not meet the timelines. A student was evaluated on 9-8-00, and the next reevaluation was not completed until 10-1-03. Another reevaluation was to be completed by 4-14-03, but was not completed until 4-29-03.

ARSD 24:05:25:04:03. Determination of eligibility

Upon completing the administration of tests and other evaluation materials, the individual education program team and other individuals required shall determine whether the student is a student with a disability. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

The team reviewed five files that contained the protocols for standardized testing, but did not contain a written analysis of the results. Without a written analysis of standardized and functional evaluation the district was unable to provide a copy of the evaluation report to the parents. In addition, two students classified with a specific learning disability did not have a multidisciplinary team report, which is required to document the determination of eligibility.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- L – Complaints
- M – Hearings
- Comprehensive Plan
- Consent and Prior Notice Forms
- Parental Rights Document
- Public Awareness Information
- Family Education Right and Privacy Act (FERPA) disclosure

Meets requirements

The steering committee determined that the district provides parents their rights in their native language. The comprehensive plan procedures address the appointment of surrogate parents.

After written notification, if parents have not claimed records, the district will destroy student records over three years old. Sixteen of sixteen files reviewed showed proper procedure.

Due process hearing procedures are specified in the district comprehensive plan. The district has not had a request for a due process hearing with the past three years.

Needs improvement

The steering committee determined that the district did not make reasonable efforts to ensure parents understood and were fully informed of their rights in one case in 2002-03.

Validation Results

Meets requirements

The review team agrees with all areas identified by the steering committee as meeting the requirements for procedural safeguards.

Needs improvement

The review team agrees with all areas identified by the steering committee as needing improvement for procedural safeguards.

Out of compliance

ARSD 24:05:30:05. Content of Notice.

The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Through file reviews, the review team determined the prior notice for evaluation did not consistently list evaluations that were completed. In addition, some evaluations were completed that were not listed on the prior notice. Examples seen include a speech evaluation that was to be given; however, there was no evidence of the evaluation taking place. Another student was given an intelligence test on 9-10-03, without parent consent. Consent was also not found for the evaluation of another student on 4-8-02. One file listed an evaluation would be completed; however, the prior notice did not state what evaluations would be completed. Prior notice for the evaluation of three students listed behavior, social and adaptive evaluations were to be completed. None of these evaluations were documented as being completed.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- K – Early Intervention (Part C) Exit Information
- Comprehensive Plan
- Teacher File Reviews
- Student Progress Data

Meets requirements

The steering committee determined that the district uses state suggested forms which contain all of the required content for the Individual Education Program.

Student centered life planning outcomes for independent living was documented in nine of eleven files reviewed of students turning 14 years of age.

The district comprehensive plan has procedures in place to address the transition of children to the part B program.

Student files document progress in achieving goals on a quarterly basis. Progress drives team decisions on developing new and/or appropriate goals.

IEPs are put into effect immediately after written. IEPs are reviewed annually as the IEP will reflect. Achievement tests and various other testing items are utilized to develop appropriate goals and objectives for students.

Needs improvement

The steering committee determined that parent input into the IEP process was documented in fourteen out of sixteen files reviewed. In seven of eleven files reviewed of students turning fourteen years old, the prior notice invited the student, five files considered agency participation, six considered agency participation not applicable, and ten indicated transition as a purpose for the meeting.

Out of compliance

The steering committee determined that students who were evaluated due to behavior concerns seven out of sixteen files reviewed had documentation of classroom modifications and interventions.

Six of ten IEPs reviewed for students sixteen years old or younger, documented transition goals, services and/or activities needed by the student. These services linked to the student's life planning outcomes, present levels of performance and transition assessments.

Validation Results

Meets requirements

The review team agrees with the areas identified by the steering committee as meeting the requirements for the individualized education program.

Needs improvement

The review team agrees with the areas identified by the steering committee as needing improvement for the individualized education program.

The review team, through interviews and file reviews with special education teachers, determined that annual goals were not consistently written as measurable, and did not list the condition.

Out of compliance

ARSD 24:05:27:01:02. Development, review and revision of individualized education program.

In reviewing, and revising each student's individualized education program, the team shall consider, in the case of a student whose behavior impedes his or her learning or that of others, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

In three files reviewed, for students with the disability of other health impaired due to attention deficit disorders, the review team found these behaviors were not addressed. The IEP did not address behaviors in the present levels of performance, goals, or objectives. The area for consideration of special factors did not address that the student's general classroom behaviors as impeding learning. During interviews with staff, they stated different strategies are used with these students to facilitate their learning. The documentation of these strategies was not in the IEPs.

24:05:27:01:03 Content of individualized education program

A student's IEP must contain present levels of performance based upon the skill areas affected by the students' identified disability. The present levels of performance for an IEP are based upon the functional assessment information gathered during the comprehensive evaluation process. There was a lack of functional assessment information being completed and as a result, the present levels of performance have no information about the student's disability affects their involvement and progress in the general curriculum.

In addition, transition needs were not addressed in the present levels of performance on four out of four files reviewed for transition aged students. This directly relates to a lack of assessment in the area of transition for these students.

24:05:27:13:02 Transition services

Transition services are a coordinated set of activities for a student designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences

and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

The statement of needed transition services should contain service recommendations for the coming year. The service recommendations should also identify responsible parties and dates of these services. If the student does not have a need for a service in a particular area, this should be justified with data statements that demonstrate the acquisition of this skill. In the four files reviewed of transition aged students, all five transition areas are addressed with justification statements, meaning there were no transition services being provided for any students. Examples of justification statements see include: for employment “___ has been employed at local restaurants. ___ plans on working for his dad this summer as a carpenter.” For two students all five areas stated the same justification statement: “Mother will be responsible for ___ independent living skills.” “Mother stated she will take care of ___ transition needs.”

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- F – Placement Alternatives
- File Reviews
- Parent, Student, General Educator Surveys

Meets requirements

The steering committee determined that the Haakon School District implements modifications for students. Students are receiving most of their instruction in the regular classroom with modifications and supports.

Least restrictive environment considerations are applied to preschool children with disabilities. Preschool services include speech and language and are provided by a speech and language pathologist and special education staff.

Validation Results

Meets requirements

The review team agrees with all areas identified by the steering committee as meeting the requirements for least restrictive environment.